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EXAMINER	
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ART UNIT	PAPER NUMBER
2174	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/854,577	EGGER ET AL.	
	Examiner	Art Unit	
	SAJEDA MUHEBBULLAH	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 October 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *99 and 101-118* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *99 and 101-118* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This communication is responsive to Amendment filed 10/27/2009.

2. Claims 99 and 101-118 are pending in this application. Claims 99, 106, and 113 are independent claims. Claims 113-114 are amended. This action is made Final.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 106-107 and 109-118 are rejected under 35 U.S.C. 102(e) as being anticipated by Bates et al. ("Bates", US 5,390,295).

As per claim 106, Bates teaches a method for displaying active information windows on a screen, wherein the information windows are generated by a computer and the screen is operably connected to the computer, and wherein the information windows may be displayed in two or more formats, comprising:

identifying at least one active window, wherein the identified windows will be displayed in a first format on the screen (col.5, lines 9-31),

recognizing at least one active window, wherein the recognized windows will be displayed in a second format on the screen, and wherein none of the identified windows are recognized (col.7, lines 4-16); and

generating a display on the screen for viewing identified windows and recognized windows, wherein a first format display is generated for each of the identified windows (col.5, lines 9-25), wherein a second format display is generated for each of the recognized windows, and wherein the second format is different from the first format (col.5, lines 25-31, col.7, lines 4-16), comprising

arranging the first format displays and second format displays for display on the screen, wherein the computer is used in the arranging step (col.4, lines 61-68); and

repeating the steps of identifying, recognizing and generating when a new window is activated (col.8, lines 66-col.9, lines 3).

As per claim 107, Bates teaches the method wherein the steps occur automatically each time a new window is activated (col.8, lines 66-col.9, lines 3).

As per claim 109, Bates teaches the method wherein the first format displays are arranged vertically side-by-side (col.5, lines 21-23).

As per claim 110, Bates teaches the method wherein the first format displays are arranged horizontally (col.5, lines 24-25).

As per claim 111, Bates teaches the method wherein the generating step further comprises minimizing the recognized windows (col.5, lines 25-31, col.7, lines 5-16).

As per claim 112, Bates teaches the method wherein a database manager is used, and wherein the step of generating further comprises accessing a database of information and using the accessed database information to generate the first format displays (col.6, lines 7-12, col.7, lines 17-38).

As per claim 113, Bates teaches a database management system using windows of information and auto-arranging of the windows, wherein each time a previously inactive window is activated the system autoarranges the windows for display on a screen (col.2, lines 15-32), comprising:

a memory, wherein data for use in generating information windows is stored (col.3, lines 44-46);

a processor, operably coupled to the memory (col.3, lines 40-42), that auto-arranges the windows of information; wherein the windows of information are automatically arranged (col.7, lines 40-46; *timing function set to "on" cause windows to be arranged automatically*), the processor comprising:

means for generating windows of information using data from the memory (col.7, lines 17-38); and

means for auto-arranging windows of information into an arranged format, wherein more than one window may be arranged, and wherein each time a previously inactivate window is activated, all the active windows are arranged so that the arrangement of windows changes each time a previously inactivate window is activated (col.8, line 66-col.9, line 4), and wherein the activated window is displayed in a first format (col.7, lines 5-16, *activity is based on tiling percentage*); and

a screen, operably coupled to the processor (col.3, lines 41-42), wherein the screen displays the information windows in an arranged format (Fig.2D).

As per claim 114, Bates teaches the database management system wherein the means for auto-arranging windows comprises:

means for determining windows to be arranged in the first format and windows to be arranged in a second format, wherein at least one window is determined to be arranged in the first format (col.5, lines 18-31).

As per claim 115, Bates teaches the database management system wherein the windows determined to be arranged in the second format are represented by graphical icons and are displayed in a lower portion of one or more of the first format windows (col.7, lines 5-16).

As per claim 116, Bates teaches the database management system wherein the arranged format is a targeted format chosen by a user of the database management system, further comprising means for choosing a target format (col.5, lines 5-8; Fig.3A & 4).

As per claim 117, Bates teaches the database management system wherein the user may enter a customized target format, further comprising a keyboard, wherein the customized target format may be entered (col.5, lines 5-8, Fig.3A & 4).

As per claim 118, Bates teaches the database management system wherein the user may choose from several different formats, the data management system further comprising means for displaying a list of formats to be chosen (col.5, lines 5-8, Fig.3A & 4).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 99 and 101-105 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bates et al. ("Bates", US 5,390,295) in view of Blahut et al. ("Blahut", US 5,463,728) in view of Porter et al. ("Porter", US 5,838,318).

As per claim 99, Bates teaches a method for arranging a desired number of activated windows of information for display on a screen connected to a computer, wherein the desired number is the number of activated windows to arrange for display on the screen in a particular format, and wherein the computer activates windows (col.2, lines 15-32), the method comprising:

choosing the desired activated windows to arrange on the screen in the particular format (Fig.4, *Minimum Tiling Percentage*; col.7, lines 4-16; col.8, lines 2-4)

identifying activated windows for display, wherein the number of activated windows identified for display equals the desired number of activated windows to be displayed in the particular format, wherein the desired number of activated windows to be displayed is greater than one (col.5, lines 9-31, col.8, lines 2-4; *desired number of windows to be displayed is determined by specified min tiling percentage*),

arranging the identified windows on the screen for display in the particular format, wherein the identified windows are visibly arranged (col.5, lines 5-8); and

wherein each time a new window is activated the steps of identifying and arranging are repeated (col.8, lines 66-col.9, lines 3).

However, Bates does not expressly teach choosing the desired number of activated windows to arrange on the screen in the particular format and wherein the most recently activated windows are identified for display. Blahut teaches a method of arranging windows

wherein the desired number of windows to be displayed is specified (Blahut, col.5, lines 22-27). It would have been obvious to one of ordinary skill in the art at the time of the invention to include Blahut's teaching with Bates' method in order to limit the number of windows to be displayed according to the user's preference.

Furthermore, the method of Bates and Blahut does not teach wherein the most recently activated windows are identified for display. Porter teaches a method wherein the most recently activated windows are automatically arranged (Porter, col.3, line 66-col.4, line 2). It would have been obvious to one of ordinary skill in the art at the time of the invention to include Porter's teaching with the method of Bates and Blahut in order to view the latest information.

As per claim 101, the method of Bates, Blahut, and Porter teaches the method wherein the choosing the desired number of activated windows to arrange on the screen comprises choosing a default value (Bates, col.7, lines 39-41).

As per claim 102, the method of Bates, Blahut, and Porter teaches the method further comprising recognizing one or more activated windows which have not been identified for display and will not be arranged for display on the screen in the particular format (Bates, col.5, lines 25-31).

As per claim 103, the method of Bates, Blahut, and Porter teaches the method wherein an activated window not identified for display may be represented on the screen with a representative display, the method further comprising representing one or more recognized windows on the screen with a representative display (Bates, col.5, lines 25-31).

As per claim 104, the method of Bates, Blahut, and Porter teaches the method wherein the representative display is an icon which graphically represents the recognized window and

wherein the icon is displayed simultaneously with an identified window (Bates, col.5, lines 25-31, col.7, lines 5-16).

As per claim 105, the method of Bates, Blahut, and Porter teaches the method further comprising minimizing the recognized window (Bates, col.5, lines 25-31, col.7, lines 5-16; Porter, col.16, lines 51-56).

7. Claim 108 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bates et al. ("Bates", US 5,390,295) in view of Conrad et al. ("Conrad", US 5,956,030).

As per claim 108, Bates teaches the method of claim 106, wherein the second format is graphic icons (Bates, col.7, lines 5-7) and wherein the method further comprises arranging the graphic icons, wherein the graphic icons are arranged in an orderly fashion (Bates, col.7, lines 5-16). However, Bates does not teach the graphic icons are arranged to overlay on the first format display. Conrad teaches a method of managing windows wherein icons are displayed overlapping windows shown in a different format from those of the icons (Conrad, Fig.2, 3, 5). It would have been obvious to one of ordinary skill at the time of the invention to include Conrad's teaching with Bates' method in order to conserve display space and view both types of windows simultaneously.

Response to Arguments

8. Applicant's arguments filed 10/27/2009 have been fully considered but they are not persuasive.

Applicant argued the following:

a) Bates does not anticipate the claimed invention because it fails to disclose or suggest "repeating the steps of identifying, recognizing and generating when a new window is activated," as recited in claim 106, and "means for auto-arranging windows of information into an arranged format, wherein more than one window may be arranged, and wherein each time a previously inactivate window is activated, all the active windows are arranged so that the arrangement of windows changes each time a previously inactivate window is activated, and wherein the previously inactive window is displayed in a second format," as recited in claim 113.

b) The apparatus would not allow a user to choose a desired number of activated windows to arrange on the screen in a particular format, as recited in claim 99.

The Examiner disagrees for the following reasons:

Per a) Bates teaches the re-arrangement of windows into a first format when a window is activated. In Bates when a window is activated or put in focus this results in a lose focus event wherein another window is recalculated to determine how long its been active and appropriately displayed (Bates, col.9, lines 28-50).

Per b) In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Blahut teaches a method of choosing a desired number of windows to display wherein Bates teaches the method of arranging windows on a screen in a particular format.

Communications

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sajeda Muhebbullah whose telephone number is **(571) 272-4065**. The examiner can normally be reached on Wednesday/Thursday and alt. Mondays from 8:00 am to 4:30 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong, can be reached on (571) 272-4124.

The central fax number for the organization where correspondence for this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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